



Reprinted
February 26, 2007

SENATE BILL No. 520

DIGEST OF SB 520 (Updated February 26, 2007 7:10 pm - DI 107)

Citations Affected: IC 5-2; IC 10-11; IC 32-21; IC 32-31.

Synopsis: Registry of methamphetamine manufacturing sites and precursor sales information. Requires law enforcement agencies that seize a methamphetamine laboratory to notify the criminal justice institute of the laboratory's location. Requires the criminal justice institute to operate a web site containing a list of properties that have been the site of a methamphetamine laboratory. Requires the criminal justice institute to remove a listed property from the web site two years after seizure of the property, and provides that records of listed properties that have been removed are confidential. Requires the criminal justice institute to seek federal funds to establish and operate a methamphetamine precursor data base pilot project. Specifies that the pilot project must connect persons who: (1) sell a drug that contains the active ingredient of ephedrine or pseudoephedrine; and (2) record drug sales information in an electronic log under current law; to an electronic monitoring system that transfers the drug sales information to a central data base at the same time the drug sales information is recorded in the electronic log. Limits the pilot project to six counties. Allows only certain law enforcement officers to have access to
(Continued next page)

Effective: July 1, 2007.

Young R Michael, Bray, Skinner

January 23, 2007, read first time and referred to Committee on Judiciary.
February 22, 2007, amended, reported favorably — Do Pass.
February 26, 2007, read second time, amended, ordered engrossed.

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information in the central data base. Requires a property owner to disclose to a potential purchaser if the property for sale is listed on the web site. Permits a tenant to void a rental agreement if: (1) the rental property was the site of a methamphetamine laboratory within the previous two years; (2) the landlord has actual knowledge that the rental property was used as a methamphetamine laboratory; and (3) the landlord fails to disclose to the tenant that the rental property was the site of a methamphetamine laboratory. Requires persons who must collect and record sales information concerning drugs that contain ephedrine or pseudoephedrine in a paper or an electronic log to collect and record the information until June 30, 2012, instead of June 30, 2008.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 520

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.173-2006,
- 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2007]: Sec. 3. The institute is established to do the following:
- 4 (1) Evaluate state and local programs associated with:
- 5 (A) the prevention, detection, and solution of criminal
- 6 offenses;
- 7 (B) law enforcement; and
- 8 (C) the administration of criminal and juvenile justice.
- 9 (2) Improve and coordinate all aspects of law enforcement,
- 10 juvenile justice, and criminal justice in this state.
- 11 (3) Stimulate criminal and juvenile justice research.
- 12 (4) Develop new methods for the prevention and reduction of
- 13 crime.
- 14 (5) Prepare applications for funds under the Omnibus Act and the
- 15 Juvenile Justice Act.
- 16 (6) Administer victim and witness assistance funds.
- 17 (7) Administer the traffic safety functions assigned to the institute

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under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

(13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties that have been used as the site of a methamphetamine laboratory.

SECTION 2. IC 5-2-6-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 19. (a) As used in this section, "institute" refers to the Indiana criminal justice institute established by section 3 of this chapter.**

(b) Subject to specific appropriation by the general assembly, the institute shall establish, maintain, and operate an Internet web site containing a list of properties that have been used as the site of a methamphetamine laboratory. The list of properties shall be based on information received from a law enforcement agency under IC 5-2-15-3 or credible information received from a law enforcement agency of the United States.

(c) Subject to specific appropriation by the general assembly, the institute shall publish the list of properties that have been used as the site of a methamphetamine laboratory on a web site maintained by the institute. The institute shall design the web site to enable a user to easily determine whether a particular property has been used as the site of a methamphetamine laboratory. The web site shall be referred to as the "methamphetamine laboratory web site".

(d) The institute shall remove a listed property from the web site not more than two (2) years after the date the methamphetamine laboratory was seized by a law enforcement agency.

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(e) Records concerning a listed property that has been removed from the web site under subsection (d) are confidential.

SECTION 3. IC 5-2-6-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) The institute shall:

(1) attempt to obtain federal funds to establish and operate a methamphetamine precursor data base pilot project under this section; and

(2) if the institute obtains sufficient federal funds under subdivision (1), operate and maintain the pilot project.

(b) A pilot project established under this section must connect persons who:

(1) sell a drug that contains the active ingredient of ephedrine or pseudoephedrine, or both; and

(2) record drug sales information in an electronic log under IC 35-48-4-14.7(c);

to an electronic monitoring system that transfers the drug sales information to a central data base at the same time the drug sales information is recorded in the electronic log. Drug sales information may be transferred to the central data base from not more than six (6) counties under a pilot project established under this section.

(c) Only a law enforcement officer who has the right to inspect and copy a log or the records from the completion of a log under IC 35-48-4-14.7(c) may have access to information stored in the central data base described in subsection (b). A person may not sell or release information in the central data base for a commercial purpose.

(d) Information stored in a central data base established under this section must be retained until June 30, 2012.

(e) This section expires June 30, 2012.

SECTION 3. IC 5-2-15-3, AS ADDED BY P.L.192-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. A law enforcement agency that terminates the operation of a methamphetamine laboratory shall report the existence and location of the methamphetamine laboratory to:

(1) the state police department;

(2) the local fire department that serves the area in which the methamphetamine laboratory is located; and

(3) the county health department or, if applicable, multiple county health department of the county in which the methamphetamine laboratory is located; and

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1 **(4) the Indiana criminal justice institute;**
 2 on a form and in the manner prescribed by guidelines adopted by the
 3 superintendent of the state police department under IC 10-11-2-31.

4 SECTION 4. IC 10-11-2-31, AS ADDED BY P.L.192-2005,
 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2007]: Sec. 31. (a) The superintendent shall adopt:

7 (1) guidelines; and
 8 (2) a reporting form or a specified electronic format, or both;
 9 for the report of a methamphetamine laboratory by a law enforcement
 10 agency under IC 5-2-15-3. **The superintendent may require the use**
 11 **of the Indiana Clandestine Laboratory Seizure Report developed**
 12 **by the United States Drug Enforcement Administration.**

13 (b) The guidelines adopted under this section must require a law
 14 enforcement agency to report the existence of a methamphetamine
 15 laboratory to:

16 (1) the department;
 17 (2) the local fire department that serves the area in which the
 18 methamphetamine laboratory is located; ~~and~~
 19 (3) the county health department or, if applicable, multiple county
 20 health department of the county in which the methamphetamine
 21 laboratory is located; **and**

22 **(4) the Indiana criminal justice institute;**
 23 on the form or in the specified electronic format adopted by the
 24 superintendent.

25 (c) The guidelines adopted under this section:

26 (1) may incorporate a recommendation of the methamphetamine
 27 abuse task force (IC 5-2-14) that the superintendent determines to
 28 be relevant;
 29 (2) may require the department to report the existence of the
 30 methamphetamine laboratory to one (1) or more additional
 31 agencies or organizations;
 32 (3) must require the department to maintain reports filed under
 33 IC 5-2-15-3 in a manner permitting an accurate assessment of:
 34 (A) the number of methamphetamine laboratories located in
 35 Indiana in a specified period;
 36 (B) the geographical dispersal of methamphetamine
 37 laboratories located in Indiana in a specified period; and
 38 (C) any other information that the superintendent determines
 39 to be relevant; and
 40 (4) must require a law enforcement agency to report any other
 41 information that the superintendent determines to be relevant.

42 SECTION 5. IC 32-21-5-5.5 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.5. As used in this chapter, "methamphetamine laboratory web site" means the list of properties that have been used as the site of a methamphetamine laboratory that is published on the Internet web site maintained by the Indiana criminal justice institute under IC 5-2-6-19.**

SECTION 6. IC 32-21-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The Indiana real estate commission established by IC 25-34.1-2-1 shall adopt a specific disclosure form that contains the following:

(1) Disclosure by the owner of the known condition of the following:

(A) The foundation.

(B) The mechanical systems.

(C) The roof.

(D) The structure.

(E) The water and sewer systems.

(F) Additions that may require improvements to the sewage disposal system.

(G) Other areas that the Indiana real estate commission determines are appropriate.

(2) A notice to the prospective buyer that contains substantially the following language:

"The prospective buyer and the owner may wish to obtain professional advice or inspections of the property and provide for appropriate provisions in a contract between them concerning any advice, inspections, defects, or warranties obtained on the property."

(3) A notice to the prospective buyer that contains substantially the following language:

"The representations in this form are the representations of the owner and are not the representations of the agent, if any. This information is for disclosure only and is not intended to be a part of any contract between the buyer and owner."

(4) A disclosure by the owner that an airport is located within a geographical distance from the property as determined by the Indiana real estate commission. The commission may consider the differences between an airport serving commercial airlines and an airport that does not serve commercial airlines in determining the distance to be disclosed.

(5) A disclosure by the owner that the property is listed on the methamphetamine laboratory web site.

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SECTION 7. IC 32-21-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The owner is not liable for any error, inaccuracy, or omission of any information required to be delivered to the prospective buyer under this chapter if:

- (1) the error, inaccuracy, or omission was not within the actual knowledge of the owner or was based on information provided by a public agency or by another person with a professional license or special knowledge who provided a written or oral report or opinion that the owner reasonably believed to be correct; and
- (2) the owner was not negligent in obtaining information from a third party and transmitting the information.

(b) With respect to a disclosure made under section 7(5) of this chapter, an owner is negligent if the owner fails to consult the methamphetamine laboratory web site.

SECTION 8. IC 32-31-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.5. (a) This section does not apply to the renewal of an existing rental agreement.

(b) As used in this section, "methamphetamine laboratory web site" has the meaning set forth in IC 32-21-5-5.5.

(c) A tenant may void a rental agreement if the following conditions are met:

- (1) The rental property was the site of a methamphetamine laboratory not more than two (2) years before the tenant and the landlord entered into the rental agreement.**
- (2) The landlord has actual knowledge that the rental property was the site of a methamphetamine laboratory.**
- (3) The landlord failed to disclose to the tenant that the rental property was the site of a methamphetamine laboratory before the tenant and the landlord entered into the rental agreement.**

SECTION 10. IC 35-48-4-14.7, AS AMENDED BY P.L.151-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14.7. (a) This section does not apply to the following:

- (1) Ephedrine or pseudoephedrine dispensed pursuant to a prescription.
- (2) The sale of a drug containing ephedrine or pseudoephedrine to a licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, or an agent of any of these persons if the sale occurs in the regular course of lawful business activities. However, a retail distributor, wholesaler, or manufacturer is

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required to report a suspicious order to the state police department in accordance with subsection (f).

(3) The sale of a drug containing ephedrine or pseudoephedrine by a person who does not sell exclusively to walk-in customers for the personal use of the walk-in customers. However, if the person described in this subdivision is a retail distributor, wholesaler, or manufacturer, the person is required to report a suspicious order to the state police department in accordance with subsection (f).

(b) The following definitions apply throughout this section:

(1) "Constant video monitoring" means the surveillance by an automated camera that:

(A) records at least one (1) photograph or digital image every ten (10) seconds;

(B) retains a photograph or digital image for at least seventy-two (72) hours;

(C) has sufficient resolution and magnification to permit the identification of a person in the area under surveillance; and

(D) stores a recorded photograph or digital image at a location that is immediately accessible to a law enforcement officer.

(2) "Convenience package" means a package that contains a drug having as an active ingredient not more than one hundred twenty (120) milligrams of ephedrine or pseudoephedrine, or both.

(3) "Ephedrine" means pure or adulterated ephedrine.

(4) "Pseudoephedrine" means pure or adulterated pseudoephedrine.

(5) "Suspicious order" means a sale or transfer of a drug containing ephedrine or pseudoephedrine if the sale or transfer:

(A) is a sale or transfer that the retail distributor, wholesaler, or manufacturer is required to report to the United States Drug Enforcement Administration;

(B) appears suspicious to the retail distributor, wholesaler, or manufacturer in light of the recommendations contained in Appendix A of the report to the United States attorney general by the suspicious orders task force under the federal Comprehensive Methamphetamine Control Act of 1996; or

(C) is for cash or a money order in a total amount of at least two hundred dollars (\$200).

(6) "Unusual theft" means the theft or unexplained disappearance from a particular retail store of drugs containing ten (10) grams or more of ephedrine, pseudoephedrine, or both in a twenty-four (24) hour period.

(c) This subsection does not apply to a convenience package. A

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person may sell a drug that contains the active ingredient of ephedrine, pseudoephedrine, or both only if the person complies with the following conditions:

(1) The person does not sell the drug to a person less than eighteen (18) years of age.

(2) The person does not sell drugs containing more than three (3) grams of ephedrine or pseudoephedrine, or both in one (1) transaction.

(3) The person requires:

(A) the purchaser to produce a state or federal identification card;

(B) the purchaser to complete a paper or an electronic log in a format approved by the state police department with the purchaser's name, address, and driver's license or other identification number; and

(C) the clerk who is conducting the transaction to initial or electronically record the clerk's identification on the log.

Records from the completion of a log must be retained for at least two (2) years. A law enforcement officer has the right to inspect and copy a log or the records from the completion of a log in accordance with state and federal law. A person may not sell or release a log or the records from the completion of a log for a commercial purpose. The Indiana criminal justice institute may obtain information concerning a log or the records from the completion of a log from a law enforcement officer if the information may not be used to identify a specific individual and is used only for statistical purposes. A retailer who in good faith releases information maintained under this subsection is immune from civil liability unless the release constitutes gross negligence or intentional, wanton, or willful misconduct. This subdivision expires June 30, ~~2008~~ **2012**.

(4) The person stores the drug:

(A) behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee; or

(B) directly in front of the pharmacy counter in the direct line of sight of an employee at the pharmacy counter, in an area under constant video monitoring, if the drug is sold in a retail establishment that:

(i) is a pharmacy; or

(ii) contains a pharmacy that is open for business.

(d) A person may not purchase drugs containing more than three (3)

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grams of ephedrine, pseudoephedrine, or both in one (1) week.

(e) This subsection only applies to convenience packages. A person may not sell drugs containing more than one hundred twenty (120) milligrams of ephedrine or pseudoephedrine, or both in any one (1) transaction if the drugs are sold in convenience packages. A person who sells convenience packages must secure the convenience packages in at least one (1) of the following ways:

(1) The convenience package must be stored not more than thirty (30) feet away from a checkout station or counter and must be in the direct line of sight of an employee at the checkout station or counter.

(2) The convenience package must be protected by a reliable anti-theft device that uses package tags and detection alarms designed to prevent theft.

(3) The convenience package must be stored in restricted access shelving that permits a purchaser to remove not more than one (1) package every fifteen (15) seconds.

(4) The convenience package must be stored in an area that is under constant video monitoring, and a sign placed near the convenience package must warn that the area is under constant video monitoring.

(f) A retail distributor, wholesaler, or manufacturer shall report a suspicious order to the state police department in writing.

(g) Not later than three (3) days after the discovery of an unusual theft at a particular retail store, the retailer shall report the unusual theft to the state police department in writing. If three (3) unusual thefts occur in a thirty (30) day period at a particular retail store, the retailer shall, for at least one hundred eighty (180) days after the date of the last unusual theft, locate all drugs containing ephedrine or pseudoephedrine at that particular retail store behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to customers without the assistance of an employee.

(h) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance after February 1, 2005, that is more stringent than this section.

(i) A person who knowingly or intentionally violates this section commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(j) Before June 30, 2007, the state police department shall submit a report to the legislative council detailing the effectiveness of this section in reducing the illicit production of methamphetamine. The report must describe the number of arrests or convictions that are

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- 1 attributable to the identification and logging requirements contained in
- 2 this section, and must include recommendations for future action. The
- 3 report must be in an electronic format under IC 5-14-6.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 520, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 16, after "operate" insert ", **subject to specific appropriation by the general assembly,**"

Page 2, line 24, delete "The" and insert "**Subject to specific appropriation by the general assembly, the**".

Page 2, line 30, delete "The" and insert "**Subject to specific appropriation by the general assembly, the**".

Page 5, line 31, delete "Before entering into a new rental agreement, a landlord shall" and insert "**A tenant may void a rental agreement if the following conditions are met:**

(1) **The rental property was the site of a methamphetamine laboratory not more than two (2) years before the tenant and the landlord entered into the rental agreement.**

(2) **The landlord has actual knowledge that the rental property was the site of a methamphetamine laboratory.**

(3) **The landlord failed to disclose to the tenant that the rental property was the site of a methamphetamine laboratory before the tenant and the landlord entered into the rental agreement."**

Page 5, delete lines 32 through 33.

and when so amended that said bill do pass.

(Reference is to SB 520 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 0.

 SENATE MOTION

Madam President: I move that Senator Bray be added as second author and Senator Skinner be added as third author of Senate Bill 520.

YOUNG R MICHAEL



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SENATE MOTION

Madam President: I move that Senate Bill 520 be amended to read as follows:

Page 3, after line 2, begin a new paragraph and insert:

SECTION 3. IC 5-2-6-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 20. (a) The institute shall:**

- (1) attempt to obtain federal funds to establish and operate a methamphetamine precursor data base pilot project under this section; and**
- (2) if the institute obtains sufficient federal funds under subdivision (1), operate and maintain the pilot project.**

(b) A pilot project established under this section must connect persons who:

- (1) sell a drug that contains the active ingredient of ephedrine or pseudoephedrine, or both; and**
- (2) record drug sales information in an electronic log under IC 35-48-4-14.7(c);**

to an electronic monitoring system that transfers the drug sales information to a central data base at the same time the drug sales information is recorded in the electronic log. Drug sales information may be transferred to the central data base from not more than six (6) counties under a pilot project established under this section.

(c) Only a law enforcement officer who has the right to inspect and copy a log or the records from the completion of a log under IC 35-48-4-14.7(c) may have access to information stored in the central data base described in subsection (b). A person may not sell or release information in the central data base for a commercial purpose.

(d) Information stored in a central data base established under this section must be retained until June 30, 2012.

(e) This section expires June 30, 2012.

Page 6, after line 2, begin a new paragraph and insert:

SECTION 10. IC 35-48-4-14.7, AS AMENDED BY P.L.151-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 14.7. (a) This section does not apply to the following:**

- (1) Ephedrine or pseudoephedrine dispensed pursuant to a prescription.**
- (2) The sale of a drug containing ephedrine or pseudoephedrine to a licensed health care provider, pharmacist, retail distributor,**

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wholesaler, manufacturer, or an agent of any of these persons if the sale occurs in the regular course of lawful business activities. However, a retail distributor, wholesaler, or manufacturer is required to report a suspicious order to the state police department in accordance with subsection (f).

(3) The sale of a drug containing ephedrine or pseudoephedrine by a person who does not sell exclusively to walk-in customers for the personal use of the walk-in customers. However, if the person described in this subdivision is a retail distributor, wholesaler, or manufacturer, the person is required to report a suspicious order to the state police department in accordance with subsection (f).

(b) The following definitions apply throughout this section:

(1) "Constant video monitoring" means the surveillance by an automated camera that:

(A) records at least one (1) photograph or digital image every ten (10) seconds;

(B) retains a photograph or digital image for at least seventy-two (72) hours;

(C) has sufficient resolution and magnification to permit the identification of a person in the area under surveillance; and

(D) stores a recorded photograph or digital image at a location that is immediately accessible to a law enforcement officer.

(2) "Convenience package" means a package that contains a drug having as an active ingredient not more than one hundred twenty (120) milligrams of ephedrine or pseudoephedrine, or both.

(3) "Ephedrine" means pure or adulterated ephedrine.

(4) "Pseudoephedrine" means pure or adulterated pseudoephedrine.

(5) "Suspicious order" means a sale or transfer of a drug containing ephedrine or pseudoephedrine if the sale or transfer:

(A) is a sale or transfer that the retail distributor, wholesaler, or manufacturer is required to report to the United States Drug Enforcement Administration;

(B) appears suspicious to the retail distributor, wholesaler, or manufacturer in light of the recommendations contained in Appendix A of the report to the United States attorney general by the suspicious orders task force under the federal Comprehensive Methamphetamine Control Act of 1996; or

(C) is for cash or a money order in a total amount of at least two hundred dollars (\$200).

(6) "Unusual theft" means the theft or unexplained disappearance from a particular retail store of drugs containing ten (10) grams or

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more of ephedrine, pseudoephedrine, or both in a twenty-four (24) hour period.

(c) This subsection does not apply to a convenience package. A person may sell a drug that contains the active ingredient of ephedrine, pseudoephedrine, or both only if the person complies with the following conditions:

- (1) The person does not sell the drug to a person less than eighteen (18) years of age.
- (2) The person does not sell drugs containing more than three (3) grams of ephedrine or pseudoephedrine, or both in one (1) transaction.
- (3) The person requires:
 - (A) the purchaser to produce a state or federal identification card;
 - (B) the purchaser to complete a paper or an electronic log in a format approved by the state police department with the purchaser's name, address, and driver's license or other identification number; and
 - (C) the clerk who is conducting the transaction to initial or electronically record the clerk's identification on the log.

Records from the completion of a log must be retained for at least two (2) years. A law enforcement officer has the right to inspect and copy a log or the records from the completion of a log in accordance with state and federal law. A person may not sell or release a log or the records from the completion of a log for a commercial purpose. The Indiana criminal justice institute may obtain information concerning a log or the records from the completion of a log from a law enforcement officer if the information may not be used to identify a specific individual and is used only for statistical purposes. A retailer who in good faith releases information maintained under this subsection is immune from civil liability unless the release constitutes gross negligence or intentional, wanton, or willful misconduct. This subdivision expires June 30, ~~2008~~ **2012**.

- (4) The person stores the drug:
 - (A) behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee; or
 - (B) directly in front of the pharmacy counter in the direct line of sight of an employee at the pharmacy counter, in an area under constant video monitoring, if the drug is sold in a retail establishment that:

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- (i) is a pharmacy; or
- (ii) contains a pharmacy that is open for business.

(d) A person may not purchase drugs containing more than three (3) grams of ephedrine, pseudoephedrine, or both in one (1) week.

(e) This subsection only applies to convenience packages. A person may not sell drugs containing more than one hundred twenty (120) milligrams of ephedrine or pseudoephedrine, or both in any one (1) transaction if the drugs are sold in convenience packages. A person who sells convenience packages must secure the convenience packages in at least one (1) of the following ways:

- (1) The convenience package must be stored not more than thirty (30) feet away from a checkout station or counter and must be in the direct line of sight of an employee at the checkout station or counter.
- (2) The convenience package must be protected by a reliable anti-theft device that uses package tags and detection alarms designed to prevent theft.
- (3) The convenience package must be stored in restricted access shelving that permits a purchaser to remove not more than one (1) package every fifteen (15) seconds.
- (4) The convenience package must be stored in an area that is under constant video monitoring, and a sign placed near the convenience package must warn that the area is under constant video monitoring.

(f) A retail distributor, wholesaler, or manufacturer shall report a suspicious order to the state police department in writing.

(g) Not later than three (3) days after the discovery of an unusual theft at a particular retail store, the retailer shall report the unusual theft to the state police department in writing. If three (3) unusual thefts occur in a thirty (30) day period at a particular retail store, the retailer shall, for at least one hundred eighty (180) days after the date of the last unusual theft, locate all drugs containing ephedrine or pseudoephedrine at that particular retail store behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to customers without the assistance of an employee.

(h) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance after February 1, 2005, that is more stringent than this section.

(i) A person who knowingly or intentionally violates this section commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(j) Before June 30, 2007, the state police department shall submit a

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report to the legislative council detailing the effectiveness of this section in reducing the illicit production of methamphetamine. The report must describe the number of arrests or convictions that are attributable to the identification and logging requirements contained in this section, and must include recommendations for future action. The report must be in an electronic format under IC 5-14-6.

Renumber all SECTIONS consecutively.

(Reference is to SB520 as printed February 23, 2007.)

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